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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,827	07/16/2003	Kenneth McClintock	24168067.5	1255

7590 12/19/2005

KENNETH MCCLINTOCK
13740 MIDWAY #607
DALLAS, TX 75244

EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

Office Action Summary	Application No.	Applicant(s)	
	10/620,827	MCCLINTOCK, KENNETH	
	Examiner	Art Unit	
	Luan K. Bui	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings were received on 11/9/2005. These drawings are not approved for entry because pages 3-5 out of 5 pages of drawings content new matter since the Examiner can not determine the contents of those drawings and since there are no amendments to the specification related to those pages 3-5. Applicant is required to delete pages 3-5 from the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 11 and 17 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Nava et al. (6,302,288; hereinafter Nava'288). Nava'288 discloses a system for storing a promotional item comprising a container (8) having an openable orifice (12) on a portion of the container, a cover piece (14) removably coupled over the orifice and the cover piece creating an enclosed storage space between the openable orifice and the cover piece and a promotional item such as a media disc (16) housed in the enclosed storage space (Figures 1-3). Nava'288 further discloses the cover piece is opaque (column 11, lines 36-42). Claims 11 and 17 are anticipated by the method of using the system of Nava'288.

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4. Claims 1, 2, 6, 7, 9, 11, 12, 16, 17 and 19 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Grul et al. (2004/0050724; hereinafter Grul'724). Grul'724 discloses a system for storing a promotional item comprising a container such as a soft-drink can (50) having an openable orifice on a portion of the container, a cover piece (51) removably coupled over the orifice and the cover piece creating an enclosed storage space between the openable orifice and the cover piece and a promotional item (52) housed in the enclosed storage space (Figures 5-11). As to claims 2, 6, 7 and 9, Grul'724 further discloses the cover piece is opaque (page 5, paragraph 0096), the promotional item comprises computer games and the cover piece comprises a pull-tab (57, 77). Claims 11, 12, 16, 17 and 19 are anticipated by the method of using the system of Grul'724.

5. Claims 1, 2, 6-9, 11, 12 and 16-19 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Falkenberg et al. (2002/0144913; hereinafter Falkenberg'913). Falkenberg'913 discloses a system for storing a promotional item comprising a container such as a soft-drink can (1) having an openable orifice (8) on a portion of the container, a cover piece (5) removably coupled over the orifice and the cover piece creating an enclosed storage space between the openable orifice and the cover piece and a promotional item (10) disposed within a pouch (25) housed in the enclosed storage space (Figures 1 and 8). Falkenberg'913 further discloses the promotional item comprises coupons or others (page 2, paragraph 0019) and the cover piece comprises a pull-tab (7). Claims 11, 12, 16-19 are anticipated by the method of using the system of Falkenberg'913.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5, 8, 10, 13-15 and 20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Grul et al. (2004/0050724; hereinafter Grul'724) or Falkenberg et al. (2002/0144913; hereinafter Falkenberg'913) in view of Fiala et al. (2003/0004889; hereinafter Fiala'889). Grul'724 or Falkenberg'913 discloses the system for storing the promotional item as above having all the limitations of the claims except for the promotional item comprises an internet address printed thereon. Fiala'889 teaches a system for storing a promotional item comprising a package (1.20, 1.66, 1.68) for holding a CD (1.62) and a card (1.78) having an internet address printed thereon to direct the user to an internet address that the product may be registered (Figure 1). It would have been obvious to one having ordinary skill in the art in view of Fiala'889 to modify the system of Grul'724 or Falkenberg'913 so the promotional item comprises an internet address printed thereon or the cover comprises an internet address printed thereon that associated with an internet site of an entity related to the promotional item to allow the system for promoting various types of items and to allow visual access to the internet address printed on the cover piece. As to claim 5, Falkenberg'913 discloses the cover piece comprises promotional material on an exposed side of the cover piece (Figure 1). Claims 13-15 and 20 are drawn to the obvious method of using the system of either Grul'724 or Falkenberg'913 as modified.

Response to Arguments

Applicant's arguments filed on 11/9/2005 have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to the rejections in the response are noted. They are not persuasive because the claims as recited read on the prior art as indicated. It appears to the Applicant that the prior art used in the rejections may be different from the Applicant's invention, but the claims are rejected not the specification.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370. **Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
December 14, 2005

A handwritten signature in black ink, appearing to read 'Luan K. Bui', with a stylized flourish at the end.

Luan K. Bui
Primary Examiner

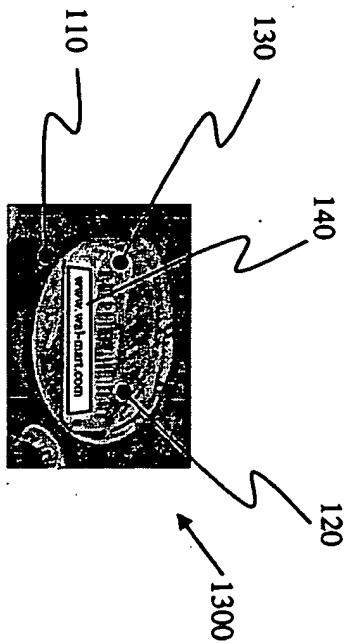


FIGURE 13

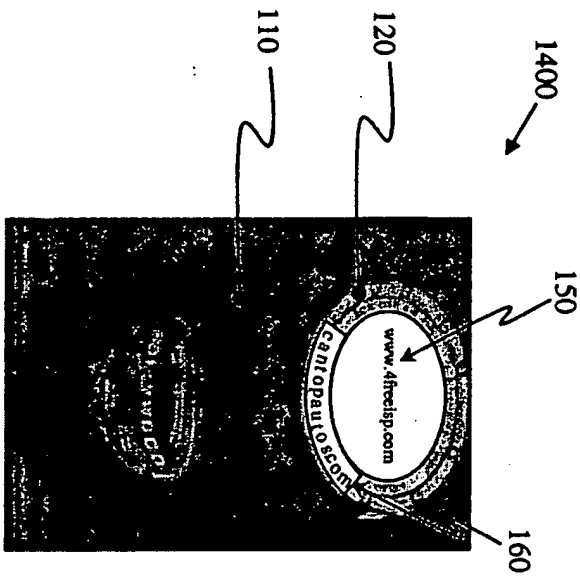


FIGURE 14

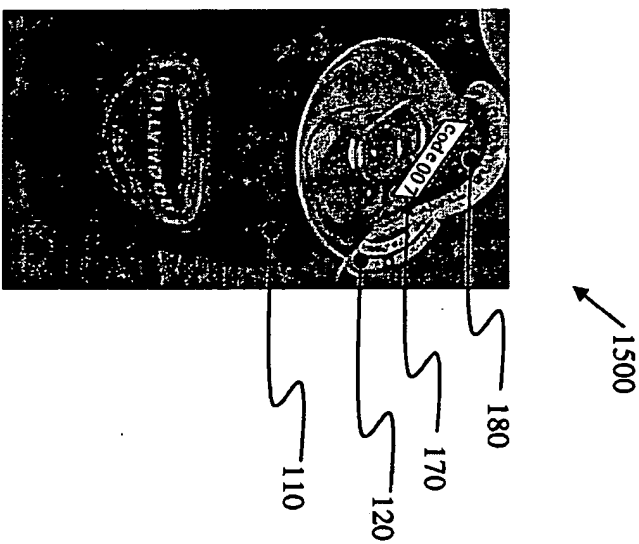


FIGURE 15

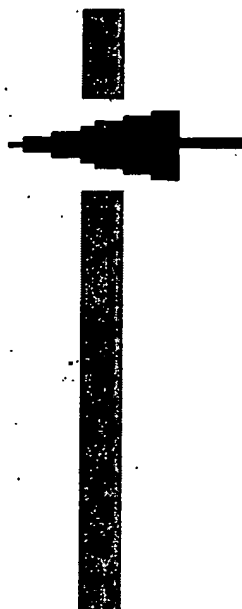
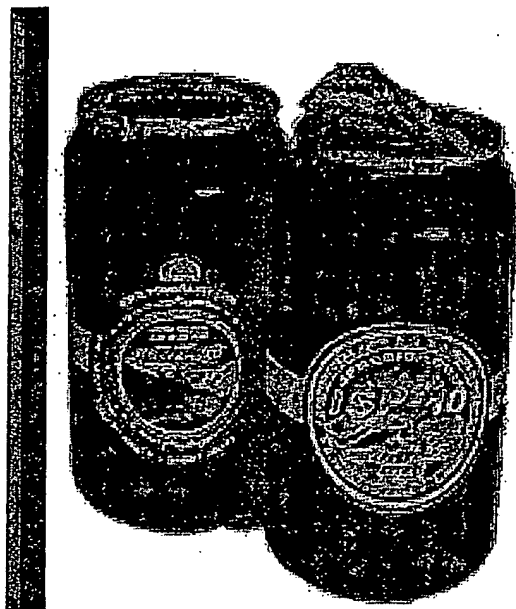
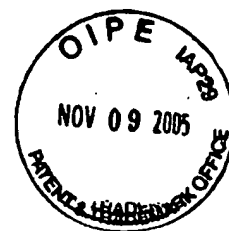
APPLICATION #10.620/827

CAN TOP PRODUCT STORAGE and RELATED METHODS of STORING PRODUCTS

INVENTOR: MCCLINTOCK

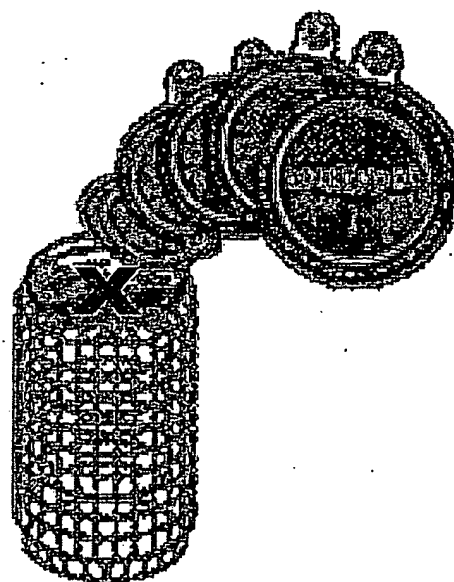
(IN SAMPLING USE BY MCCLINTOCK / NOVEMBER OF 2002)

CLAIM FILED BY MCCLINTOCK 07/16/03

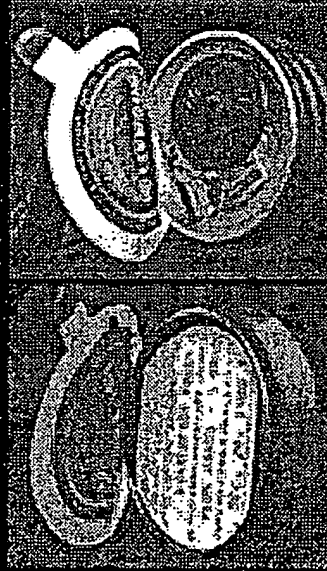


PRODUCT STORAGE
UNDER CAN TOP LABEL

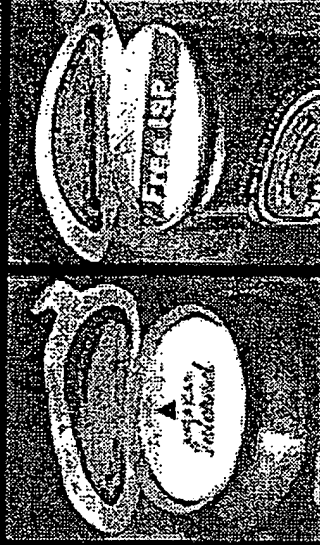
PRODUCT STORAGE UNDER LABEL



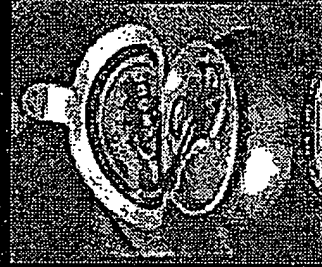
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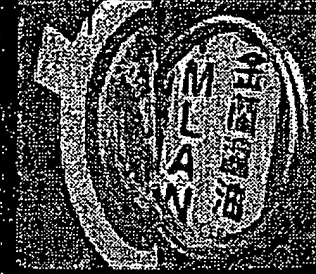
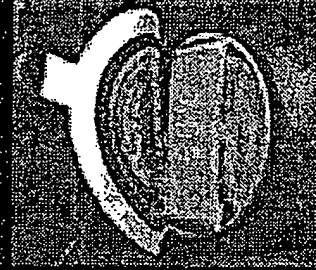
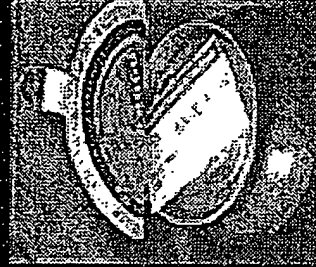
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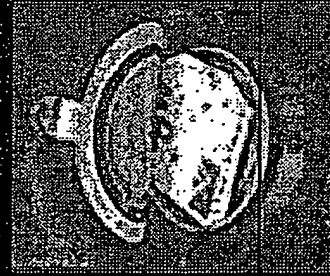
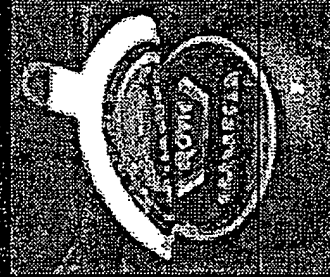
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SEAL deliveries. This will allow 4 or more complete surfaces
for advertisements and beverage company promotions.
Each surface may include 2 or more marketing tie ins.

CouponCans.com
CanTopCoupons.com



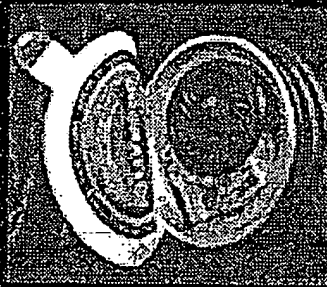
CanTopFilms.com
MovieCaps.com



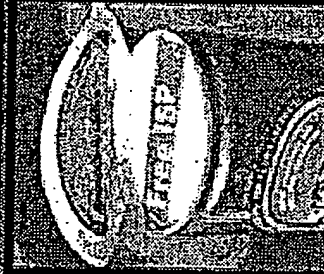
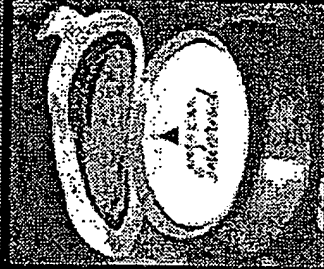
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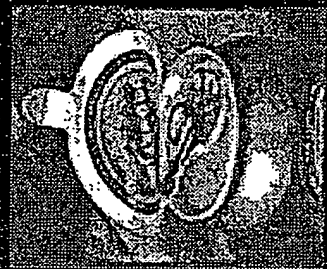
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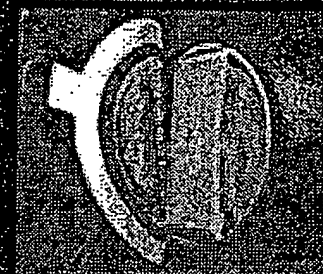
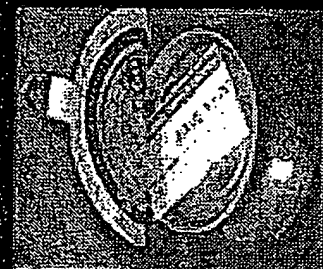
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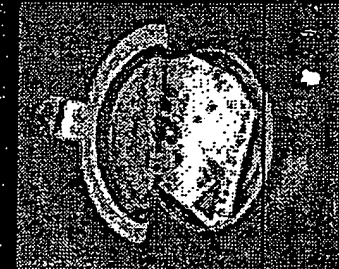
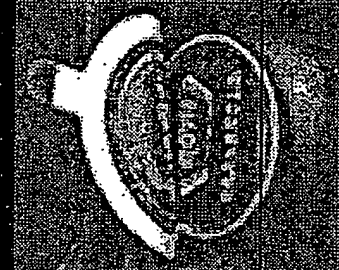
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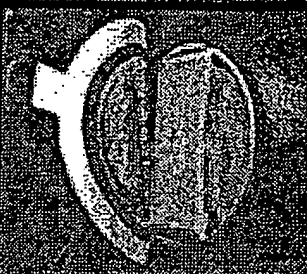


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and prizes under the label.

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